

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

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|------------------------------------|---|-------------------------------------|
| THE MITCHELL COMPANY, INC., |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | CIVIL ACTION NO 07-0177-KD-C |
| |) | |
| JOSEPH J. CAMPUS III, |) | |
| Defendant. |) | |

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|---|---|-------------------------------------|
| THE MITCHELL COMPANY, INC., |) | |
| MODEL HOMES, LLC, and HEXAGON |) | |
| INVESTMENTS, LLC, |) | |
| Plaintiffs, |) | |
| |) | |
| vs. |) | CIVIL ACTION NO 08-0342-KD-C |
| |) | |
| JOSEPH J. CAMPUS, III, |) | |
| Defendant. |) | |
| |) | |
| v. |) | |
| |) | |
| JOHN B. SAINT, |) | |
| Additional Counterclaim Defendant. |) | |

| | | |
|---|---|--------------------------------------|
| THE MITCHELL COMPANY, INC., |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | CIVIL ACTION NO 09-00207-KD-N |
| |) | |
| KWY INVESTMENTS, LLC, <i>et al.</i>, |) | |
| Defendants. |) | |

ORDER

This matter came before the Court on this date for the second day of jury trial in *The Mitchell Co., Inc. v. Joseph J. Campus, III* (CV 07-177-KD-C). At that time, counsel for the parties notified the Court that a settlement had been reached in each of the three (3) above-styled cases such that all of the claims and counterclaims in these cases had been resolved. Accordingly, all of those claims

and counterclaims as to all parties, as set forth in *The Mitchell Co., Inc. v. Joseph J. Campus, III* (CV 07-177-KD-C), *The Mitchell Co., Inc., Model Homes, LLC and Hexagon Investments, LLC v. Joseph J. Campus, III v. John B. Saint* (CV 08-342-KD-C) and *The Mitchell Co., Inc., v. KKY Investments, et al.*, (CV 09-207-KD-N) have **SETTLED**, including the Court's prior ruling in CV 08-342 requiring payment of Campus' interest in certain LLCs in the sum of \$1,198,309 no later than December 23, 2009.

Therefore, it is **ORDERED** that all of the claims and counterclaims in the above-styled three (3) actions are hereby **DISMISSED with prejudice**, subject to the right of any party to reinstate the action within ninety (90) days of the date of this Order should the settlement agreement not be consummated.

No other order shall be forthcoming from the Court except upon application by a party for final judgment as prescribed by Rule 58, Federal Rules of Civil Procedure.

Each party shall bear its own costs, expenses and attorneys' fees unless otherwise agreed by the parties.

DONE and ORDERED this the 8th day of **December 2009**.

/s/ Kristi K. DuBose

KRISTI K. DuBOSE

UNITED STATES DISTRICT JUDGE